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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By Amelia Groth
AMELIA GROTH

Attorney Docket No.: 4071-962900US

Client Ref. No.: 1999-560-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TING, Kang

Application No.: 09/412,297

Filed: October 5, 1999

For: NELL-1 ENHANCED BONE
MINERALIZATION

Examiner: Ford, V.

Art Unit: 1645

**DECLARATION UNDER 37 CFR § 1.131
OF KANG TING**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Kang Ting, declare as follows:

- 1) I am the inventor in U.S. Patent Application Serial Number 09/412,297, entitled "NELL-1 Enhanced Bone Mineralization," filed October 5, 1999 (hereinafter referred to as "the '297 application"). The '297 application is assigned to The Regents of the University of California.
- 2) Prior to January, 1999, I had completed my invention as described and claimed in the '297 application in United States of America as evidenced by the following:

- a) Prior to January, 1999, I directed a research associate in my laboratory to perform von Kossa staining on test MC3T3 cells expressing NELL-1 and control MC3T3 cells expressing beta-galactosidase. This staining procedure detects calcium deposits, e.g., bone mineralization, in cells. The results of this experiment demonstrated that an increase in NELL-1 expression led to an increase in bone mineralization. This experiment is evidenced by dated slides taken of the tissue culture plates containing the von Kossa stained cells. A print out of a jpg file with a scan of those slides is attached hereto as Exhibit A.
- b) Each of the dates redacted from Exhibit A is prior to January 1, 1999.

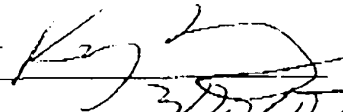
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3) I hereby declare that all statements made herein of my own knowledge are true and that all statement made on information a belief are believed to be true; and further that these statement were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued thereon

IN THE TESTIMONY WHEREOF I have hereunto set my signature on the date indicated below.

Kang Ting


Date: 3/20/02